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# TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number

10/092,796

Filing Date

March 7, 2002

First Named Inventor

Smith

Group Art Unit

3643

Examiner Name

Hayes

Attorney Docket Number

RBC-101US

## ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form                                   | <input type="checkbox"/> Assignment Papers<br>(for an Application)                 | <input type="checkbox"/> After Allowance Communication<br>to Group                            |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences        |
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| <input checked="" type="checkbox"/> After Final                                 | <input type="checkbox"/> Petition  | <input type="checkbox"/> Proprietary Information  |
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| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   | <input type="checkbox"/> Remarks   |   |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 |  |   |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                               |  |
|-------------------------------|--|
| Firm<br>or<br>Individual name | Matthew M. Fannin, Reg. No. 51,268<br>Jansson, Shupe & Munger, Ltd.<br>245 Main Street, Racine, WI 53403 |
| Signature                     |  |
| Date                          | March 3, 2005  |

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the

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| Typed or printed name | Chris Wipper  |
| Signature             |               |
| Date                  | March 3, 2005 |

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AF / 3643  
CFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of: )  
Jonathan Smith )  
Serial No: 10/092,796 ) Group Art Unit: 3643  
Filed: March 7, 2002 ) Examiner: Bret Hayes  
Title: METHOD FOR PRODUCING MINIATURE )  
CRANBERRIES AND A SUBSTANTIALLY )  
FULL YIELD THEREOF )

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Sir:

Applicant respectfully submits a Request for Withdrawal of Final Rejection.

Applicant further submits this Response to the Office Action of November 4, 2004. Claims 1- 19 and 55-89 were pending in the application. Claims 1-19 and 55-89 stand rejected. Applicant believes the combination of the withdrawal of finality and responsive arguments puts the application to proper condition for allowance and respectfully requests allowance of the pending claims.

**Request for Withdrawal of Final Rejection** begins on page 2 of this correspondence.

**Remarks/Arguments in Response to the Office Action** begin on page 3 of this correspondence.

Request for Withdrawal of Final Rejection

Pursuant to MPEP §706.07(e) applicant respectfully requests reconsideration and withdrawal of Final Rejection status of the application. New facts and reasons for allowance of the claims as previously presented are made in the following remarks section that is responsive to the Office Action of 11/4/2004. These arguments focus on the Stang reference and the reference's many inconsistencies that simply cannot enable one of skill in the art to make the current invention. Alternatively, the Stang reference does not include anticipating steps for the claims and therefore, even if it were to be enabling, it cannot anticipate the present invention. Due to these new facts and reasoning, Applicant respectfully requests the finality of the rejection be withdrawn and the attached office action response be entered.